OSLO+1

Report of the second informal meeting of development partners on : 'International support for the national implementation of UN human rights recommendations, including as a contribution to the Sustainable Development Goals'

Held at the Swedish Agency for International Development Cooperation (Sida)
10 May 2019, Stockholm

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UNIVERSAL RIGHTS GROUP
Sida
Government Offices of Sweden
Ministry for Foreign Affairs
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Executive summary

On 10 May 2019, the Ministry of Foreign Affairs of Sweden and the Swedish Agency for International Development Cooperation (Sida), in cooperation with the Universal Rights Group (URG), convened a meeting of bilateral and multilateral development partners on how international cooperation could be better leveraged to support the national implementation of international human rights obligations and commitments. This was the second informal meeting on the subject, following an inaugural meeting in Oslo, Norway in April 2018.

The gathering provided an opportunity to reflect on important new developments since the first meeting in Oslo. In particular, it provided a space for development partners to share information on new policies and practices designed to better leverage official development assistance (ODA) and wider international cooperation to help States implement their international human rights obligations and commitments. Participants also discussed how improved human rights implementation contributes to the achievement of the UN Sustainable Development Goals (SDGs) 'leaving no one behind,' how implementation contributes to the UN Secretary-General's 'prevention agenda,' and how stakeholders might work together to better measure (empirically) human rights change and impact.

A key goal of the Stockholm meeting, like the 2018 Oslo meeting, was to provide a space for development partners to share information and experience as to how international efforts to better support human rights implementation is informing the development of new rights-based approaches to international development cooperation. In this regard, discussions during Oslo+1 demonstrated that key bilateral and multilateral development partners are devising new and innovative ways to better leverage ODA to support the national implementation of UN human rights recommendations, thereby contributing to the enjoyment of human rights, to sustainable development and to prevention. Many examples of this were heard and considered during the meeting, including from within the UN system (especially relating to the UN Secretary-General's development system reforms) and from amongst the bilateral donor community (e.g. the EU and France).

Notwithstanding, participants heard that the success of these new approaches, and the international community's ability to translate global human rights standards and sustainable development goals into on-the-ground reality, is ultimately dependent on the political will of States to effectively implement UN human rights recommendations. A number of speakers expressed concern, in that regard, that there appears to be a weakening of such political will in many parts of the world, and an associated roll-back of human rights and democracy.

Yet where *there is* such political will, the Oslo+1 meeting heard that there is an increasingly strong array of tools, mechanisms and capacity-building programmes available to help countries, especially developing countries, secure progress with human rights implementation. For governments themselves, the emergence and expansion of ''National Mechanisms for Implementation, Reporting and Follow-up' (NMIRFs), supported by dedicated implementation software, holds out the possibility of scaling-up implementation and impact, while scaling-down reporting burdens. NMIRFs may also become a key 'entry point' for development partner engagement with recipient countries, and the principal State mechanism for gathering and displaying indicator data, thereby facilitating the empirical measurement of human rights progress and ODA impact.

In light of the important progress made over recent years, as well as the important challenges that remain, and recognising the importance of the Oslo and Stockholm meetings of development partners in providing a space to share information and good practice, participants agreed on the importance of holding a further meeting (Oslo+2) in 2020. Participants also agreed to continue to share information on their evolving strategies to support the national implementation of UN human rights obligations and recommendations, including as a contribution to the SDGs.

Introduction

On 10 May 2019, the Ministry of Foreign Affairs of Sweden and Sida, in cooperation with the Universal Rights Group (URG), convened a meeting of bilateral and multilateral development partners on how international cooperation could be better leveraged to support the national implementation of international human rights obligations and commitments.

This was the second informal meeting on the subject, following an inaugural meeting in Oslo, Norway in April 2018. 'Oslo+1' enjoyed the participation of development agency and/or foreign ministry representatives from Australia, Denmark, the European Union (EU), Finland, France, Germany, the Netherlands, Norway, Sweden (host), Switzerland, and the United Kingdom (UK); as well as officials from relevant multilateral organisations including the Executive Office of the UN Secretary-General, the UN Development Operations and Coordination Office (UNDOCO), the UN Development Programme (UNDP), the UN Population Fund (UNFPA), the Office of the High Commissioner for Human Rights (OHCHR), the Organisation for Economic Cooperation and Development (OECD), and the World Bank's Human Rights and Development Trust Fund[1]. The meeting also benefited from the participation of a UN Resident Coordinator. Concord, a civil society platform; representatives from national human rights institutions (NHRIs), including the Asia-Pacific Forum of NHRIs and the Danish Institute for Human Rights; international organisations such as International IDEA; research and academic institutes such as the Raoul Wallenberg Institute; and the NGO Universal Rights Group (URG) also participated.

> "...the recommendations produced by these mechanisms provide an individually tailored 'blueprint' for national human rights and sustainable development reform"

The gathering provided an opportunity to reflect on important new developments since the first meeting of the group in Oslo. In particular, it provided a space for development partners to share information on new policies and practices designed to better leverage official development assistance (ODA) and wider international cooperation to help States implement their international human rights obligations and commitments. As with the 2018 meeting, participants also discussed how improved human rights implementation contributes to the achievement of the UN Sustainable Development Goals (SDGs) 'leaving no one behind,' how implementation contributes to the UN Secretary-General's 'prevention agenda,' and how stakeholders might work together to better measure (empirically) human rights change. The meeting therefore also provided an opportunity to establish common ground and a platform for participants to project important key messages towards the 2019 High Level Political Forum (HLPF) for the SDGs - held a few months later (July) in New York. Finally, some of these key messages were also fed into discussions during the 2019 SDG Summit – an important gathering of Heads of State and Government to follow up and comprehensively review progress in the implementation of the 2030 Agenda for Sustainable Development and the 17 SDGs, (held in September in New York). The SDG Summit resulted in the adoption of the Political Declaration: 'Gearing up for a decade of action and delivery for sustainable development,' (25 September 2019). Sweden and the Bahamas co-facilitated the negotiation and adoption of the Declaration.

As well as seeking to support the further evolution of rights-based approaches to official development assistance (ODA), Oslo+1 was also designed to make an important contribution to the emerging international human rights 'implementation agenda.' Over the past fifty years the UN has adopted a range of international human rights treaties, and has established powerful human rights 'implementation mechanisms' (particularly Treaty Bodies, the Universal Periodic Review (UPR), and Special Procedures) to promote improved compliance with States' obligations under those treaties. Taken together and 'clustered' by theme, the recommendations produced by these mechanisms provide an individually tailored 'blueprint' for national human rights and sustainable development reform - covering every country in the world. Moreover, this 'blueprint' is the product of and is based upon commitments made by the States themselves (freely entered into through ratification of the treaties), as well as their voluntary cooperation with human rights mechanisms. This 'blueprint' for human rights, democratic and sustainable development reform is therefore nationally-owned and enjoys the support of each concerned State. The clustered recommendations of the UN human rights mechanisms thus represent an invaluable 'entry point' for international development partner engagement and cooperation with developing countries.

1 The OECD and the World Bank's Human Rights and Development Trust Fund participated via video-link.

I. Human rights and the 2030 Agenda for Sustainable Development

The 2030 Agenda for Sustainable Development is anchored in international human rights norms, seeks to realise human rights for all, and must be implemented in accordance with States' international human rights obligations. According to research conducted by the Danish Institute for Human Rights, over 90% of the SDG targets are grounded in international human rights law. Therefore, by implementing, tracking progress with, monitoring the impact of, and reporting on the recommendations received from the international human rights mechanisms, States are also driving and tracking progress with the realisation of the SDGs 'leaving no one behind.' Moreover, by taking forward human rights and SDG implementation in an integrated or 'joined up' manner, States can also benefit from 'economies of scale' and thus reduce their implementation and reporting burdens.

The concept of 'leaving no one behind' is the transformative element of the 2030 Agenda, and the entry point for human rights.

At the 37th session of the Human Rights Council (Council) in March 2018, member States adopted resolution 37/24 on the 'Promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development,' by consensus. In January 2019, pursuant to resolution 37/24, the Council convened a high-level inter-sessional meeting on how the UN's human rights pillar might best support the realisation of the SDGs 'leaving no one behind.' The outcome of that meeting (report 40/34) was subsequently fed into the 2019 HLPF.

> "The concept of 'leaving no one behind' is the transformative element of the 2030 Agenda, and the entry point for human rights"

Also at its 37th session, the Council adopted resolution 37/25 on 'The need for an integrated approach to the implementation of the 2030 Agenda for Sustainable Development for the full realisation of human rights, focusing holistically on the means of implementation.' The resolution requested the Chair of the HLPF to report annually to the Council on progress towards the achievement of the SDGs. Pursuant to resolution 37/25, the Chair of the HLPF has so far reported to the Council twice: in September 2018 and September 2019.

As noted by a participant at Oslo+1: 'the 2019 HLPF will focus inter alia on SDG16, which is particularly relevant for human rights, for accountable and inclusive institutions, and for democracy and the rule of law.' Another agreed, noting that resolution 37/24 was very well timed because it will allow the linking of the UN's human rights and development pillars to have a maximum impact, both in the context of bridging the long-standing human rights 'implementation gap,' and in energising progress towards the SDGs. Another speaker asked: 'How can we better use the synergies between UN human rights recommendations and States' commitments under SDG16 as an entry point for ODA?'

> Special Procedures now actively collate ‘positive impact case studies’ showcasing the impact of their work on human rights and on sustainable development

‘A CHANGE IN MIND-SETS’

The Stockholm meeting of development partners demonstrated that significant progress has been made, since the Oslo meeting, in securing heightened State awareness of the complementary nature of human rights obligations and SDG commitments, as well as in securing broad agreement that they stand to benefit from taking these two complementary agendas forward in a ‘joined up’ manner.

According to one participant: ‘Resolutions 37/24 and 37/25 seem to have succeeded in changing mind-sets in both Geneva and New York. After years of arguing about the relationship between human rights and development, exemplified by disagreements over the ‘right to development,’ there is now a wide understanding that human rights and sustainable development are mutually reinforcing.’ Another agreed, remarking that ‘these and other resolutions, together with the new High Commissioner for Human Rights’ [Michelle Bachelet’s] ‘positive narrative’ on human rights, have had a marked impact in New York - changing perceptions of the international human rights system amongst delegations, especially developing country delegations, from being a tool primarily used to attack countries to a system that is also there to help States make progress towards development, peace and security.’

A number of speakers recalled how the January 2019 inter-sessional meeting in Geneva nicely illustrated this change in mind-set among States and other stakeholders. ‘The meeting was extremely well-attended – and at a high level. Moreover, the key message that human rights and the SDGs are inter-connected and mutually-reinforcing was heard from all States from all regions.’ Another participant commended the ‘very practical nature of the meeting,’ where the focus was ‘not on ideological debate, but on providing a space for States and other stakeholders to share good practices in driving ‘joined-up’ progress with the implementation of human rights obligations and SDG commitments.’

Echoing these thoughts, a number of State representatives said that the change in mind-set at the UN is evident in the words and actions of senior UN officials. The UN Deputy Secretary-General responsible for the 2030 Agenda, Amina Mohammed, has over the past twelve months repeatedly drawn attention to the central importance of human rights in securing progress towards the SDGs (and to the complementary nature of the two agendas). Likewise, the High Commissioner for Human Rights has made human rights and the 2030 Agenda one of her main priorities, and has scaled-up OHCHR’s engagement with the HLPF, as well as with related meetings such as May’s Expert Group Meeting (EGM) on SDG16 in Rome.

It was also noted that the UN Secretary-General’s 2019 special edition report on ‘Progress towards the SDGs,’ prepared for the 2019 HLPF, makes clear that: ‘The pledge to leave no one behind is among the defining features of the 2030 Agenda and at the very core of global efforts to realise human rights for all.’

A UN official explained that an understanding of the complementary and mutually-reinforcing nature of human rights and the 2030 Agenda is also increasingly permeating the work of the UN human rights mechanisms, including the Special Procedures, the UPR and the Treaty Bodies. For example, Special Procedures now actively collate ‘positive impact case studies’ showcasing the impact of their work on human rights and on sustainable development.

A representative from a UN agency explained to colleagues that a ‘human rights-based approach to development cooperation, focused on helping States implement recommendations received under, say, the UPR, can provide a useful entry point for having difficult conversations about the implementation of sensitive SDG targets.’ ‘A given State,’ she continued, ‘might

be reluctant to discuss a certain target for cultural or religious reasons; but if we can show that they have accepted UPR recommendations on that subject it can help lower the temperature of the dialogue.' Building on this point, another speaker made the oft-repeated point that UN human rights recommendations are also a powerful entry point for development partners 'because they are based on the legal obligations of States – not on political commitments as is the case with the 2030 Agenda.'

Other participants, however, offered a more downbeat assessment of perceptions of the UN human rights system, and of the situation of human rights globally. On the first point, a number of people suggested that the system is often seen as rather distant and out-of-touch – inhabiting its own 'Geneva bubble.' More efforts must be made to translate 'Geneva' debates, decisions and recommendations into real-world change. On the second point, a number of participants expressed concern that human rights appear to be in retreat in many parts of the world, and that without domestic 'political will' no amount of international support can reverse the trend.

One speaker argued that the pushback against human rights in some parts of the world underscores the value of using 'other platforms' such as the 2030 Agenda to drive progress. There was, however, some push back to this suggestion, with speakers arguing that the 2030 Agenda should not be seen as some kind of 'back door' for human rights, or as a mean of making rights 'more palatable.' Rather the UN should promote human rights and the SDGs equally, based on a clear understanding that both are important and complementary.

While agreeing with comments on the importance of national political will, one participant argued that this further highlights the importance of meetings such as Oslo and Oslo+1 – 'it is imperative that donor States adopt a strong rights-based approach to ODA if we are to push back against the push back,' he said. 'ODA must support and respect human rights, and not be seen as a reward for those countries that supress rights and limit civil society space on the grounds that such acts are necessary to secure development.'

As was the case during the 2018 Oslo meeting, a number of participants at the gathering in Stockholm drew attention to the growing importance of 'National Mechanisms for Implementation, Reporting and Follow-up' (NMIRFs) as the keystone of State efforts to pursue the integrated implementation of human rights recommendations and the SDG targets. It was reported that NMIRFs, where they have been established, are increasingly being used to also promote and track progress towards the SDGs (e.g. in Paraguay and Ecuador).

One participant drew attention to the role of NHRI's in pushing forward a joined-up approach to human rights and SDG implementation. 'NHRI's have a long history of protecting and promoting all human rights, both civil and political and economic, social and cultural rights,' he said, 'therefore they are well-placed to link human rights with the SDGs at national level, and to monitor and report on State progress with both.'

Finally, a number of States reported progress, since the Oslo meeting, in linking human rights and the SDGs in the delivery of ODA. One reported that it now regularly links State obligations under the International Covenant on Civil and Political Rights (ICCPR) with their commitments under SDG16, when they engage in dialogues with recipient developing countries. Another spoke of linking State obligations under the Convention on the Elimination of Discrimination against Women (CEDAW) with commitments under SDG5, including in the context of his country's 'feminist foreign policy.'

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II. Integrating human rights into ODA – the evolving role of bilateral development partners

A key objective of the meetings in Oslo and Stockholm was to provide a space for bilateral (i.e. donors) and multilateral (e.g. UN) development partners to share information and experiences on the evolution of so-called 'rights-based approaches' to official development assistance (ODA). In particular, a growing number of development partners are actively integrating UN human rights recommendations (i.e. from the Special Procedures, Treaty Bodies and UPR) into their country planning and delivery.

This section of the report (i.e. Part II) will look at the work and strategies of bilateral donor States and their foreign ministries/development agencies. The following section (Part III) will then look at the evolving practices of multilateral partners.

The Swedish International Development Cooperation Agency (Sida) has been working on developing a human rights-based approach to ODA since the 1990s – although it was only established as a formal policy in 2003. In order to rollout this approach, Sida has developed a number of methodological and analytical tools for its staff (they are also made available to its partners); and has supported relevant UN human rights policies and programmes (e.g. the 'Human Rights Up Front' initiative) and mechanisms (e.g. Special Procedures). A representative of Sida also explained that the Agency has been active, over a number of years, in sharing good practices and exchanging experiences with other donor States/development agencies, and has seconded relevant experts to the European Commission's Directorate-General for International Cooperation and Development (EUDEVCO).

It was reported that Sida has recently embarked on a strategic and comprehensive evaluation of its rights-based approach to ODA (covering the past ten years), in order to learn lessons, and identify successes and shortcomings. The results of that study are expected to be published in the Spring of 2020.

A speaker from a European development agency asked a key question underpinning the evolution of 'rights-based approaches' to ODA is: who or what should be the focus of that assistance? This question has tended to play out at two levels. At one level, there is the question of whether rights-based development assistance should be directed towards human rights duty-bearers (e.g. government actors) or towards rights-holders (e.g. via national NGOs and human rights defenders)? The speaker's sense was that over time the emphasis has gradually shifted from duty-bearers to rights-holders. However, in their view the only way to effectively leverage ODA to promote and protect human rights is by focusing on both groups of stakeholders and, in addition, by encouraging groups representing the two categories to interact and work together. At a second level, there is the question of: who are the key 'agents of change' at the national level (as either duty-bearers or rights-holders)? In that regard, the speaker informed colleagues that her agency has developed 'political economy and power analysis tools' to help national/local representatives identify these 'agents of change.'

In the discussion that followed, there was wider recognition of the fact that it is misguided to focus 'rights-based approaches' to ODA only on civil society or other 'rights-holders.' Unless development agencies also engage the government or other important State actors, it will remain very difficult to strengthen the enjoyment of human rights in a sustainable way. One participant argued that: 'it is overly simplistic and wrong to see governments as the bad guys and NGOs as the good guys. In reality, neither governments nor civil society organisations are monolithic – rather they are made up of individuals who could be very conservative in their outlook or could be human rights champions.' Another participant agreed, saying: 'experience has shown us that agents of change can be found in unexpected places, like the ministry of education, or the justice committee in parliament – certainly not only within civil society or the foreign ministry.'

There was also a debate about which States should or should not benefit from ODA. Some thought a 'minimum of national human rights capacity and infrastructure, and basic rule of law standards, are needed before cooperation can be extended in a way that supports human rights.' Others disagreed, arguing that those countries (or, rather, people within those countries) without human rights protection systems and without functioning rule of law systems, are the ones that need our help the most.'

A number of speakers suggested that the inter-relationship between corruption and human rights is a useful guide to whether ODA to a certain developing country would help improve the human rights situation and reduce inequalities (in line with 'leaving no one behind'), or the opposite. Sida and RWI explained that corruption is one of the biggest obstacles to the effective implementation of human rights. On the other hand, human rights principles and obligations, such as freedom of expression, equality before the law, transparency, accountability, participation and non-discrimination, and judicial independence, are key tools to prevent and fight corruption.

Linked with these challenging issues and questions, another participant posed the question: what should we do when a partner/recipient country starts to go backwards on human rights? Should we disengage or scale up our investments to compensate? In reply, a representative from another development agency explained that under such circumstances her organisation has typically switched funding from the government (i.e. duty bearers) to NGOs and human rights defenders (i.e. rights-holders) – see above paragraph. However, as already discussed, there was a sense at the meeting that this reaction may be misguided – donor States should rather continue to look for 'agents of change' wherever they can find them (inside or outside government).

France's new vision and policy for a 'rights-based approach' to development cooperation was also presented during the meeting. The new strategy aims to provide a clear framework for how ODA should be delivered in a manner that 'supports respect for, and the achievement and protection of, human rights.' The speaker explained that the new policy has been developed 'in line with the new European Consensus on Development,' has benefited from 'good practices' used by other European countries, and was informed by the 'human rights-based approach toolbox' development by the European Commission.

France's new rights-based approach to development cooperation is founded upon two principles: 'do no harm and do maximum good.' Under the strategy, the drafting, implementation, monitoring and evaluation of France's development projects must take place with full consideration to certain key priorities, including:

1. Education and training on human rights, and on the rights-based approach to development – especially for French officials on the ground. As part of this priority, France emphasises how human rights and a rights-based approach to development cooperation can contribute to the 2030 Agenda and the realisation of the SDGs.

2. Help all relevant national stakeholders (i.e. in the developing country concerned) to play their part in taking forward a rights-based approach

to development (including other bilateral and multilateral donors, NGOs, businesses, local government officials, and academics).

3. Support national human rights defenders in the context of shrinking civil society space.

4. Be guided by and support the effective implementation of (in the recipient country) recommendations received from the UN human rights mechanisms, including the UPR and the Treaty Bodies.

This last 'priority' is also increasingly informing other development cooperation strategies, and is a key pillar of a new generation of rights-based approaches to ODA.

Building on information provided by the French Government representative, an official from the European Commission's EUDEVCO informed participants that the integration of both a human rights-based approach and a gender perspective is now a mandatory part of EU development programming (including planning and evaluation). These steps have been taken following the adoption of the new European Consensus on Development (in 2017), and are happening in tandem with efforts to encourage individual EU member States (e.g. France) to reshape national development cooperation strategies to better respect, promote and protect human rights.

EUDEVCO is currently training all its staff on human rights and on human rights-based approaches to development. It is also collating 'case studies' to illustrate how such approaches can work in practice. EUDEVCO will also circulate a questionnaire to EU member States asking about their own experiences with rights-based approached to ODA – lessons learned, good practices and new trends. It was remarked that tools such as those developed by the EU, should be as practical as possible (i.e. not theoretical) and be based on what is seen to have worked in the field.

The EU representative explained that, notwithstanding these relatively straightforward practical steps, what is really important in terms of introducing a rights-based approach 'is to secure high-level political buy-in and, over time, to change mindsets among development practitioners and secure a cultural shift in the organisation.' In this regard, she highlighted the enormous opportunities provided by the 2030 Agenda and the SDGs 'leaving no one behind.' 'The 2030 Agenda is a human rights agenda' she said, 'and therefore offers a window and a means for us to convince people of the value and utility of a rights-based approach to development.'

Another participant suggested that all development agencies could learn and borrow good practice from the (already well-established) integration of a gender perspective into development programming (including planning, impact monitoring and evaluation). For example, the EU has long used 'gender markers' to evaluate levels of gender mainstreaming within its development projects.

Finally, a representative of a European development agency said it is important to integrate human rights during all stages of the delivery of ODA: planning, implementation, measuring impact, and evaluation design. 'Rights-based evaluation should not only be done at the end of a project, but throughout the design and implementation phases too.'

> "over the past two years there has been a sea-change in the degree to which UN human rights recommendations are integrated into UN development planning at national-level"

> "UN Women, UNICEF and UNFPA were all mentioned as organisations that have made important strides over recent years, especially in terms of integrating UN human rights recommendations into their country-level programming and projects"

III. Integrating human rights into multilateral development programming

From a number of presentations by senior UN officials in Stockholm, it became clear that over the past two years there has been a 'sea change' in how human rights are integrated into UN development planning at national-level, and – by extension – in terms of how the UN human rights system is 'delivering' human rights and sustainable development on the ground. These significant changes have been driven by the UN Secretary-General's development system reforms (especially his changes to the Resident Coordinator system), and by political shifts at the UN Human Rights Council (especially a growing focus on human rights and the SDGs, on implementation, and on the empirical measurement of impact).

Regarding UN Secretary-General Antonio Guterres' reforms, a senior UN official acknowledged that: 'Ten or even five years ago, Resident Coordinators - with a few notable exceptions - saw themselves very much as part of the UN's development pillar, and didn't really 'do' human rights.' This issue has been at the heart of many of the UN's most serious failures, for example in Rwanda and Sri Lanka. In recognition of these failures, former Secretary-General Ban Ki-moon developed the 'Human Rights Up Front' (HRUF) policy, which aimed to encourage development-oriented Resident Coordinators to place human rights 'up front' and centre in their everyday dealings with host governments.

> "NMIRFs are at the centre of a major new push to srengthen human rights implementation, measure progress, and ease reporting burdens"

According to one speaker, with his reforms Antonio Guterres has taken a different route to reach the same destination. He has recognised that the uneven way in which Resident Coordinators represented each of the three pillars of the UN (development, security and human rights) was a structural issue – not a policy one. Thus, the problem could only be resolved through structural reforms – not via 'softer' policy measures. For this reason, the Secretary-General's reforms have, *inter alia*, served to shift the management and direction of the Resident Coordinator system away from UNDP to under the Secretary-General himself (i.e. EOSG) – meaning that (symbolically and practically) Resident Coordinators are now representatives of and responsible for – equally - all three pillars of the UN.

At the same time, according to participants at the Stockholm meeting, the Secretary-General wrote to all Resident Coordinators explaining that they would be expected, from now on, to promote human rights and peace and security, as much as cooperation and development. One speaker explained that some Resident Coordinators, upon receiving this instruction, decided to change posts and become UNDP Resident Representatives. 'Those that are left have been given many news tools and stronger political backing to engage in a human rights-based dialogue with host countries – thereby putting human rights upfront.'

It was emphasised that there is a need to build/strengthen a 'human rights culture' across the UN, as well as to build human rights competence and capacity amongst UN Country Teams (UNCTs). Among the new tools, guidelines, funds and support systems put at the disposal of Resident Coordinators/UNCTs to encourage and help them to integrate UN human rights recommendations into national development planning, programming and measurement, are:

- A 'leave no one behind (LNOB) operational guide';
- Revised guidelines/terms of reference for Resident Coordinators;
- Revised UN Sustainable Development Coordination Framework (UNSDCF - the new name for the UNDAFs) guidelines;
- A retained 'Human Rights Mainstreaming Multi-Donor Trust Fund' – the main funding source for UN development work on human rights mainstreaming, including the deployment of Human Rights Advisors to UNCTs; and
- A new 'Joint SDG fund' to which UN Country Teams can apply to finance projects designed to drive national progress towards the SDG targets 'leaving no one behind.' Importantly, when applying for funds, UN Resident Coordinators/UNCTs must, inter alia, explain how the proposed project will contribute to the implementation of UN human rights recommendations.

According to a Resident Coordinator present at the meeting: 'it is difficult to emphasise enough how much these reforms have changed the outlook and the approach of the Resident Coordinator system.' Another agreed, claiming that 'I have never seen such a human rights-friendly network of UN Resident Coordinators as we have today.'

Adding to these reports of reform and improvement (from a human rights perspective), a number of UN officials explained that UN programmes and agencies are also strengthening their capacity and ability to 'deliver' human rights (in addition to and in conjunction with development). UNDP, UN Women, UNICEF and UNFPA were all mentioned as

> Can we verify that ODA has supported the implementation of States' human rights obligations, and has responded to their own human rights priorities?

organisations that have made important strides over recent years, especially in terms of integrating UN human rights recommendations into their country-level programming and projects. As during the 2018 Oslo meeting, a representative from UNFPA drew people's attention to a 2017 report by the UN Development Group (UNDG) on 'UN Country Team support to tracking the follow-up of human rights recommendations.'

Finally, beyond the UN, participants heard from a representative of the World Bank, who explained that a new Human Rights and Development Trust Fund (building on the former Nordic Trust Fund) was launched earlier this year. The mandate of the new Trust Fund is to increase and strengthen understanding around and the application of human rights principles in the World Bank Group's work. Although small in terms of available resources, the Fund has already been instrumental in demonstrating the importance and relevance of human rights to the Bank's work, especially its work on social inclusion. 'The Fund has already supported a number of projects to support human rights (e.g. projects to support the rights of LGBTI persons), often in partnership with other international organisations including UNDP, UNICEF and the African Union.' The World Bank hopes to expand the work of the new Trust Fund, and in that regard the Fund's secretariat is currently running training modules for Bank staff on human rights-based approaches, as well as on the international human rights system generally.

IV. Building national human rights capacity as a key contribution to the 2030 Agenda and to prevention

A key focus of discussions at Oslo+1 was on how to use UN human rights recommendations (from Special Procedures, Treaty Bodies and the UPR) - which taken together and 'clustered' provide a national 'blueprint' for human rights reform for every UN member State - as a key interface for development partner engagement with developing countries. The new French development strategy, for example, includes a requirement that projects funded with French ODA must contribute towards implementing key clusters of Treaty Body and/or UPR recommendations. At the multilateral level, all UNCTs are now expected to integrate human rights recommendations into the new UNSDCFs.

These and related changes/reforms have a single overarching goal: to help build a State's human rights capacity and resilience, thereby making a crucial contribution to sustainable development (via the realisation of the SDGs 'leaving no one behind') and to the prevention of human rights violations, crises and – ultimately – conflicts.

In this context, a number of speakers (as was also the case during the 2018 Oslo meeting) drew attention to the emergence of so-called 'national mechanisms for implementation, reporting and follow-up' (NMIRFs). NMIRFs are at the centre of a major new international push (developing country-led) to strengthen the domestic implementation of States' international human rights obligations and commitments, track and measure progress, link human rights change and impact with SDG progress, and ease States' reporting burden. 'NMIRFs are the keystone of the new global human rights implementation agenda,' said one speaker. 'They are also, a very interesting 'entry point' for bilateral and multilateral development partners to engage and cooperate with developing countries, in a manner that is country-led, is based on international human rights standards and the State's own international obligations, and is focused on the key human rights/sustainable development implementation gaps.'

One speaker sought to link NMIRFs and improved national implementation of international human rights standards, with other key agendas at the Human Rights Council, namely: human rights and the SDGs (see part I of this report); the operationalisation of Council's prevention mandate under paragraph 5f of GA resolution 60/251 (providing the Council's mandate); and discussions at the Council over reform of its work under 'item 10' – technical assistance and capacity-building. The speaker explained that human rights implementation, SDG implementation, human rights capacity-building, and human rights resilience-building (for prevention), are all inter-linked. Thus, if donors are able to better leverage ODA to support human rights implementation – they will also be making a major contribution to the 2030 Agenda and to the UN Secretary-General's prevention agenda.

During a discussion on national human rights implementation and capacity-building, it was reported that some NMIRFs have introduced information technology solutions (built around a single national database of all UN human rights recommendations – clustered by theme and objective) to help coordinate implementation actions across government, parliament, the judiciary, the law enforcement agencies, etc. Such software also receives and

centralises information on implementation progress from relevant government focal points, and in some cases applies impact indicators to track human rights change. A number of countries have further refined their national software so that it links human rights progress with SDG progress (and thus can be used to inform national reporting under the 2030 Agenda). Moreover, NMIRF software aids national reporting (e.g. to Treaty Bodies) and promotes public transparency (where the national database is linked to a public website showing implementation progress and gaps). Examples on NMIRF IT systems include: SIMORE in Paraguay, IMPACT OSS, and OHCHR's new National Recommendation Tracking Database (currently being piloted). Finally, of particular importance to donors, most NMIRFs are linked to a website so that domestic civil society, NHRIs, parliamentarians, the general public, and international development partners can keep abreast of State progress with implementation, and can also access indicator/measurement data to see the actual impact of ODA interventions. It was noted that some NHRIs (e.g. in New Zealand and the UK) have also now begun to launch 'shadow' websites that provide civil society's comparative assessment of State progress with implementation and impact.

A number of participants pointed out that NMIRFs are a 'natural entry-point' for development cooperation actors to engage with partner countries to help implement human rights recommendations. Some called national databases of clustered recommendations potential 'goldmines' for bilateral and multilateral development partners. 'These are recommendations, in many cases accepted by the receiving State, that have been generated by powerful UN mechanisms on the basis of obligations freely entered into by national governments,' (i.e. through the ratification of treaties). 'If bilateral donors approach a developing country and offer to fund projects to implement an important cluster of recommendations (e.g. on the right to water, on freedom of the press, or torture prevention), the concerned State is unlikely to say no.' Moreover, because those recommendations are the product of State reporting to and engagement with the UN human rights mechanisms, they are likely to reflect and address the key human rights and sustainable development challenges facing that particular State.

These points were made by both bilateral and multilateral agencies. Regarding the latter, it was argued that 'national databases of recommendations could, in principle, contribute much of the content of the new UNSDCFs.' Standing NMIRFs also represent a natural domestic 'focal point' for consultations (on implementation or on national reports) with all relevant national stakeholders, including NHRIs, NGOs and the general public.

In order to help guide the quantitative and qualitative development of NMIRFs, in April 2019 a first-ever regional workshop for dialogue, good practice exchange, and cooperation on NMRIFs took place in the Pacific, hosted by the Government of Fiji, and co-convened by the Regional Rights Resource Team of the Pacific Community and the Universal Rights Group, through the UK-funded Pacific Commonwealth Equality Project and with programme support from the Governments of Australia and Sweden. In late 2019, an 'outcome document' from the meeting is expected to be adopted, distilling emerging best practices with national human rights and SDG implementation, and the establishment/development of NMIRFs.

In September 2019, at its 42nd session, members of the Human Rights Council adopted (by consensus and with 60 cosponsors) a new UN resolution on 'Promoting international cooperation to support NMIRFs.' The resolution, *inter alia*:

- Recalls that the promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development are interrelated and mutually reinforcing;
- Recognises that strengthened human rights implementation will make a major contribution to the prevention of human rights violations, and of human rights crises and conflicts;
- Affirms that human rights capacity-building technical cooperation programmes, should be an inclusive exercise that engages and involves all national stakeholders, including all branches of the State, all relevant government agencies, national human rights institutions and civil society, at all stages; and
- Recognises the mutually-reinforcing role of all human rights mechanisms (of international and regional human rights systems) for the promotion and protection of human rights and the realisation of the SDGs.

With the resolution, UN member States decided to organise five regional consultations, covering all States, to exchange experiences and good practices with the implementation of international human rights obligations and commitments, including as a contribution to the 2030 Agenda. These consultations will build on the April 2019 regional workshop in Fiji.

V. Measuring human rights implementation, impact and progress

During the High Level Panel on Human Rights Mainstreaming at the 37th session of the Human Rights Council (February 2018), the OECD DAC Chair said that around 'US$ 145 billion in official development assistance' had been disbursed in 2016, and that 'bilateral projects labelled as human rights projects [accounted for] around 700 million [of that amount].'

How do we measure the results and impact of this assistance? Can we test whether a rights-based approach to ODA strengthens its long-term impact? Can we verify that ODA has supported the implementation of States' human rights obligations and commitments, and responded to their own human rights priorities? Can we be sure that the projects did not have a negative impact on human rights, especially for the most marginalised in society? Can we empirically measure human rights progress and trends at national level, in the same way that the UN development system measures progress towards the SDGs?

During the Stockholm meeting there was considerable discussions about emerging techniques to measure the human rights impact of ODA, and to link that with data on progress towards the SDGs and targets.

There was broad acknowledgement that the international human rights community has been rather slow in gathering and applying human rights indicator data as a means of empirically measuring progress. It was noted that OHCHR's only report on human rights indicators was published in 2012 and has now been largely forgotten by States.

However, a number of speakers explained that this situation is beginning to change. This has been spurred partly by the global human rights implementation agenda and the need to measure/demonstrate progress, and partly by the 2030 Agenda (steps to align human rights recommendations with relevant SDGs and targets has led to efforts to align human rights and SDG indicator data - this has in turn spurred renewed interest in human rights measurement).

Another speaker also credited the 2030 Agenda as having spurred progress in human rights measurement but explained that it is primarily the result of the Agenda's 'leaving no one behind' principle. 'This is essentially a human rights concept,' she said. 'It's about equality and non-discrimination. It's about reaching the furthest behind first. Therefore, if we are to measure 'leaving no one behind,' we will need to use human rights indicators.' A donor State representative explained that 'this is why we have decided to fund an OHCHR project to link SDG and human rights indicators.'

As more and more development actors seek to align their impact and outcome indicators with the SDG indicators, it provides an opportunity and entry point for the human rights community to link these measurement and reporting mechanisms to human rights indicators. In this regard, donors are also supporting OHCHR to promote a rights-based approach to data, as a key contribution to measuring progress towards the SDGs 'leaving no one behind.'

A representative from OECD DAC talked about following and measuring ODA for human rights, and about the importance of recognising human rights trends and progress. Of DAC member country bilateral commitments in 2017, totalling US$105.6 billion, only US$821 million was explicitly earmarked for human rights activities. OECD DAC's statistical system includes both sector codes for human rights and human rights measures that cut across sectors and SDGs. In 2019 there will be an 'SDG focus field' (reporting will be on a voluntary basis), which will make it possible to identify activities that support human rights-related SDG targets.

A number of new human rights measurement projects and initiatives were presented during the Stockholm meeting. One was the civil society-led Human Rights Measurement Initiative (HRMI), which aims to identify, collect and analyse human rights indicator data for a range of civil and political rights, and economic and social rights, over a wide range of UN member States. At present around 150 States are covered by HRMI's economic and social rights data, and around 20 by its civil and political rights data. Another was International IDEA's Global State of Democracy Index (GSoD), which mainly focuses on civil and political rights. A representative of International IDEA explained that, as well as showing human rights and democratic trends, GSoD also helps pinpoint gaps in progress towards the SDGs, especially SDG16.

Many of those who spoke after the presentation of these initiatives emphasised that human rights measurement is in its relative infancy. 'There are a number of projects out there, however they tend to focus on certain subsections of rights, or on narrow bands of countries,' said one. Some argued that this is a reflection of a lack of available data for human rights measurement. Others disagreed, however, explaining that there is lots of data already available for economic and social rights (because the basic data set for these rights is similar to that used for SDG measurement). 'The challenge for the human rights community, at least for economic and social rights,' he said, 'is to manage that data, and combine it into credible human rights scores.'

One participant, while welcoming the overall shift towards better human rights measurement, cautioned the donor community not to expect too

> "development partners are devising new and innovative ways to leverage ODA to support human rights implementation, sustainable development, and prevention"

much from quantitative data techniques and analysis. First, especially for civil and political rights, 'we simply do not have enough data.' Second, we do not yet possess a standard, agreed methodology for measuring civil and political rights. Third, for most rights, we don't have enough disaggregated data to allow us to measure inequalities and discrimination – or (by extension) to assess whether people are being 'left behind.' While continued to work on empirical measurement techniques and data, therefore, he urged colleagues to also look at qualitative assessment techniques.

A further limitation of new and existing human rights measurement initiatives, identified by participants, is that they are mainly being carried out at the international level. 'The international community will only make progress with human rights measurement,' one argued, 'when all States are themselves routinely gathering and applying human rights indictor data, and are reliably reporting the results. At the moment, very few States are doing so.' Another speaker agreed with this, but argued that the emergence of NMIRFs with support software holds out the possibility that, in the not-too-distant future, States will themselves routinely gather, apply and publicly-share human rights indictor data. 'Many NMIRFs include the participation of national statistics offices,' he said, 'and the latest NMIRF software systems automatically apply collated human rights indicator data.'

A number of speakers argued that despite these challenges, and despite the fact that the UN human rights system is far behind other parts of the UN in terms of the empirical measurement of progress (for example, the Human Development Index dates back to the 1990s), the potential of human rights measurement is enormous, including for bilateral and multilateral development partners. One donor representative noted that 'the ODA policy marker for gender equality has become an important indicator for us, allowing us to measure the impacts of our investments on women's rights and gender equality.' 'It seems clear that a policy marker for human rights, participatory development, democratisation and good governance, would be similarly useful.'

Another participant spoke of the 'great political value of human rights measurement'. 'Money talks,' she said; 'we need to be able to show our governments that ODA is having a positive impact on human rights and sustainable development in recipient countries. We also need to show that money invested in, say, the UN, is having a positive and measurable impact at national-level.'

Conclusions and next steps

The second informal meeting of development partners on international support for the national implementation of UN human rights obligations and recommendations, including as a contribution to the SDGs, provided an important platform for participants to share information, experience and good practices in the development of rights-based approaches to international development cooperation. In particular, and building on the first informal meeting in Oslo in 2018, the discussions demonstrated that key bilateral and multilateral development partners are devising new and innovative ways to better leverage ODA to support the national implementation of UN human rights recommendations, thereby contributing to the enjoyment of human rights, to sustainable development and to prevention.

Building on January's Human Rights Council inter-sessional meeting on human rights and the 2030 Agenda, and efforts during July's HLPF to promote a rights-based approach to achieving greater progress towards the SDGs, the Stockholm meeting revealed (again) that a sea-change has taken place over recent years in the international community's understanding of the inter-related and mutually-reinforcing nature of human rights and development. Put simply, there is now a clear understanding – and acceptance – of the fact that over 90% of the SDG targets are grounded in international human rights standards, and that – by extension – strengthened human rights implementation must be a central pillar of international efforts to realise the SDGs 'leaving no one behind.'

Not only did the Stockholm meeting reveal the persistence of this change in mindsets, it also demonstrated that an ever-greater cross-section of bilateral and development partners are translating this new understanding into increasingly sophisticated development strategies. Many examples of this were heard and considered during the meeting, including from within the UN system (especially relating to the UN Secretary-General's development system reforms) and from amongst the bilateral donor community (e.g. the EU and France).

It was also apparent, from the discussions, that when devising their new rights-based development strategies, bilateral donors are increasingly coalescing around the view that, to be effective and to have sustainable impact, they must engage both rights-holders and duty-bearers.

Notwithstanding, participants heard that the success of these new approaches, and the international community's ability to translate global human rights standards and sustainable development goals into on-the-ground reality, is ultimately dependent on the political will of States to effectively implement UN human rights recommendations. A number of speakers expressed concern that there appears to be a weakening of such political will in many parts of the world, and an associated roll-back of human rights and democracy.

Yet where *there is* such political will (and other speakers in Stockholm insisted that this equates to a sizable majority of UN member States), there is an increasingly strong array of tools, mechanisms and capacity-building programmes available to help countries, especially developing countries, secure progress with implementation. For governments themselves, the emergence and expansion of NMIRFs, supported by dedicated implementation software, holds out the possibility of scaling-up implementation and impact, while scaling-down reporting burdens. For international development partners, NMIRFs, and especially their centralised databases of clustered human rights recommendations (often linked to relevant SDGs and targets), are an invaluable 'entry point' for (country-led)

development programming and projects that support human rights and sustainable development. Key clusters of human rights recommendations will also become an increasingly important input into UNSDCFs – the UN's new national frameworks for realising the 2030 Agenda.

Finally, participants at Oslo+1 considered the latest advances in using indicator data to empirically measure the human rights impact of development programming. There was agreement that while human rights measurement is still in its relative infancy, it holds out significant potential for holding States to account against their international human rights obligations, for allowing donor States to measure the impact of their ODA programmes and projects, and for assessing whether progress is being made with the SDGs in a manner that 'leaves no one behind.'

In light of the important progress made over recent years, as well as the important challenges that remain, and recognising the importance of the Oslo and Stockholm meetings of development partners in providing a space to share information and good practice, participants agreed on the importance of holding a further meeting (Oslo+2) in 2020. A representative of the Government of Switzerland offered to host that meeting. In the meantime, participants agreed to continue to share information on their evolving strategies to support the national implementation of UN human rights obligations and recommendations, including as a contribution to the SDGs.

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2030 Agenda a Major Step Forward for Human Rights, U.S. Mission Photo/Eric Bridiers, Licensed under CC BY-NC-ND 2.0

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Launch of SSPDF Action Plan on addressing CRSV in South Sudan, UNMISS / Eric Kanalstein. Licensed under CC BY-NC-ND 2.0

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